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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,423	03/12/2004	David Ray Burritt	403118-A-01-US (Burritt)	7122

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EXAMINER	
RICHER, AARON M	

ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,423	BURRITT ET AL.	
	Examiner	Art Unit	
	AARON M. RICHER	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7 and 16-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20071210*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 13, 2007 have been fully considered but they are not persuasive.

2. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

3. As to applicant's argument that Stogel does not teach information displayed to a user of a telecommunication terminal, it is noted that this is a new limitation in claims 2 and 16, and that this argument has been rendered moot by the application of the Forlenza reference.

4. Applicant further argues that Stogel does not teach establishing direct communication with the telecommunication terminal via the network by a computer. Applicant notes that the "network" is the same network that is used to receive terminal status information, as stated in claim 2, and that the "network" that performs that duty is not the LAN 139. However, as noted in previous rejections, assuming VOIP is used, all of the communications devices would be part of the same LAN, and this LAN would be

used to establish communication with the computer and terminal, and also receive status information. Essentially any data that was passed from the NID would utilize some element of the LAN. In a broader sense, however, even if VOIP is not used, any devices that are connected can be seen as on the same "network", much as the Internet is considered one large network. Using the broader definition of network, since the telecommunication terminal is connected to the computer, any communication with the terminal would inherently use the same "network" as communication with the computer, and vice versa.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-6 and 16-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stogel (US PGPub 2002/0159574 A1) in view of Schnarel et al (US 6,975,712 B1)('Schnarel') and Forlenza et al. (US 6,665,375)('Forlenza').

8. As to claims 2 and 16, Stogel teaches the following limitations:

A method for providing telecommunication terminal status information to people having at least one of poor visual acuity and poor hearing, comprising the steps of:

-**Receiving telecommunication terminal status information by a telecommunication terminal via a network;** (Stogel Figure 1, telephones 133/135 receive status information via a network, where it is understood that connection 187 constitutes a VoIP or similar class of voice-over-internet protocol [0018,0028-0029]. For purposes of analysis of the Stogel reference, the fully digital, packetized data architecture for voice {e.g. VoIP} is utilized, where this is clearly one implementation of Stogel [0018,0029,etc]. The data therefore is sent to the devices from the NID (network interface device [0033], e.g. cable /DSL modem and the like), where it is clear that this includes all CPE (customer premises equipment [0033]). Specifically, the "loop interface 113" connects the ATDA 100 [0027], located at customer premises, where the connection is via or at least through / transits a LAN [0021], where it is clear that a fully digital, packetized voice network is contemplated, since the connection from block 131 to block 151 specifies that block 151 provides access to remote data networks [0042]. The specified device 100 in Figure 1 is integral with (e.g. part of) a telephone (e.g. 133, 135) [0038]. Therefore, devices 133 and 135 are "telecommunications terminals."

Under the operating assumption above, all the devices (133, 135, 137, 141, 145) are connected on the same LAN behind NID 131 (e.g. DSL modem [0040,0029]). It is well known in the art that such devices have output ports for Ethernet / LAN (IEEE 802.3*) connections, which can therefore be connected to a LAN utilizing a multiport Ethernet hub, switch, router, and/or gateway. Indeed, such devices (DSL modems) can have integral routers / switch / hub for Ethernet, and existed prior to the critical date of the instant application.)

-Establishing direct communication with the telecommunication terminal via the network by a computer controlling a visual display separate from the telecommunication terminal; (Stogel teaches that device 100 (part of telephone 133, 135) is connected to LAN 139, which in turn is linked to computer 141[0036-0037]. That is, controller 101, which is part of device 100, sends the data to other devices on the network. Specifically, computer 141 has the information transmitted to them [0047], where such device clearly has a separate monitor / display device. Such networks operate on TCP/IP, which require open connections through a port, which constitute "direct communication." Inherently, all devices connected on the same LAN ("the network"), are on the same network. This setup was the normal setup for customer networks at and before the critical date of the instant application. Finally, and most importantly, the system provides that server 141 "MAY BE USED TO CONTROL AND SUPERVISE OPERATION OF A ATDA 100." [0036] Therefore, it is logical that server 141 can directly access the status information contained in device 100 integral with telecommunications terminals 133, 135.)

-Directly accessing the telecommunication terminal status information from telecommunication terminal by the computer via the network; (See Stogel above; the information is transmitted via LAN 139 to computer 141 and caller ID display 137, where such information is therefore shown. Specifically, [0047] teaches "in the case of server 141, controller 110 (*part of device 100, integral with telecommunications terminals 133, 135*) transmits an appropriate data message via LAN interface 119 to LAN 139 for display at server 141." (See also [0036])[As noted above, the analysis here uses the fully packetized convergent digital network model; that is, that the architecture utilizes VoIP, which therefore means that the packetized digital voice data is transmitted over the same IP network as all other components behind NID 131.] Therefore, since the telecommunications terminals 135, 133 have the aforementioned LAN connection, clearly the data transmitted over LAN 139 is "directly connected", which, as noted above, means that there are no intermediary gateways between the nodes on the same LAN, e.g. same IP sub-network. Further, it is specified in [0048] that the controller 101 in ATDA 100 which is integral with devices 133, 135, collects status information such as off-hook information, escape sequences, and other types of DTMF information. Also, [0021] states, "[A] lines status detector may be included and used to determine whether the subscriber line is available (e.g. idle, all telephones "onhook" for initiating a call to the remote database" Further, [0035] "[the] Display for ATDA may further be used to provide status indicators, prompts, and other information to the user…"). The specific logical extension here is that since server 141 can supervise and control operation of ATDA 100 and the status information is shown on the telecommunications terminal 133,

135 and that the CID information and the like is transmitted to the server, that if server 141 is controlling ATDA 100 that the status information that is available to that device must logically be transmitted to and accessible for the device that is supervising / controlling ATDA 100.)

-Displaying the visual telecommunication terminal status information on the visual display. (Stogel clearly teaches that on-hook [0014,0021,0028,0048] and off-hook status determination is part of the device 100's role (that is, the role is filled by various components of ATDA device 100 that is integral with telecommunication terminals 133, 135. This information, including additional DTMF data, time / date stamp [0054-0056], etc, is shown to the user on the plural display devices, *inclusive of server 141*, as specified above in 0047, since the information is sent "for display." As specified in detail above, server 141 contains a visual display as clearly indicated in the drawing in Figure 1 and by virtue of the fact that server 141 is described to display such information. Specifically, "To the extent that caller ID name information is not available and name or other information is stored in database 115, this information may be displayed locally on display 117 and transmitted for display to remote devices such as caller ID display 137 or server 141. Thus, in the case of server 141, Controller 110 transmits an appropriate data message via LAN interface 119 to LAN 139 ***for display at server 141.***"[0047]) That is, the reference makes expressly that server 141 [0046] receives

transmission of such information for display, and that 141 controls 100 integral with 133,135.

Stogel fails to expressly teach, but Schnarel teaches:

-Emphasizing the accessed telecommunication terminal status information using visual enhancement;

-Displaying *enhanced ... information* (Schnarel clearly displays enhanced visual information for connected calls and status information – see Figure 1 as call slip 100 in extended form that sits on top of the display (5:10-20), and Figure 5, where such enhanced or enlarged text is discussed as shown as extended call slip 500 / 504 in Figure (5:65-6:10), where such information is enhanced during a call, as well as icons concerning the status and the like, 7:35-8:40 and the like, especially including 11:45-60 – this is the most relevant portion. Clearly, the specific display of Schnarel performs the operations on the data after it has been received from the telecommunications terminal, and the text is in a much larger size. Schnarel clearly contemplates that other information concerning line status and the like can be shown therein – 2:20-60.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stogel in light of Schnarel to have the enhanced information display in light of Schnarel 2:30-50 – that is, it is beneficial to have a state-aware information device that presents important, relevant information in a manner that is easier to visually perceive – in this case, larger.

Stogel and Schnarel fail to expressly teach, but Forlenza teaches:

Displaying enhanced…information to a user **of the telecommunication terminal having at least one of poor visual acuity and poor hearing.** Stogel teaches display over a LAN to a user, but not necessarily the same user that is using the telecommunication terminal, and not necessarily a user with poor visual acuity or poor hearing. Forlenza, however, teaches either a call status device (fig. 2c; col. 5, lines 20-38) or a computer interface (fig. 6; col. 9, lines 11-26) that is connected to the telephone or other terminal device via network (fig. 2c; note the “in” and “out" jacks; also see col. 6, lines 38-43 which disclose a hookup to a computer network). A user with poor hearing (see abstract) can use the device along with a communication terminal to have status updates on a call (col. 3, lines 48-65; fig. 2c; fig. 6). The motivation for the display of this information to a hearing impaired person at a terminal is to allow the person to easily determine status of the call and therefore lessen the frustration and embarrassment a hearing impaired person feels when the call status is unknown (col. 1, lines 22-38). It would have been obvious to one skilled in the art to modify Stogel and Schnarel to display information to a user of a terminal that has poor hearing in order to allow that person to easily determine call status as taught by Forlenza.

9. As to claims 3 and 17, Stogel does not expressly teach these limitations, but Schnarel teaches them – see Tables 1 and 2 on column sets (7/8) and (9/10) respectively with an ALERT/FULL state shown, where these are clearly alerts as defined in the specification. Motivation and rationale are incorporated by reference from the rejection to the parent claim(s).

10. As to claims 4 and 18, Stogel does not teach this limitation but Schnarel teaches expanded call slips, which is cited above and found in 4:50-60, 6:25-45, 11:50-60, where the text is clearly larger than it would otherwise be on the terminal.

11. As to claims 5 and 19, Stogel does not teach but Schnarel clearly teaches the enlarged text on the expanded call slip of Schnarel (see Figure 1), which constitutes 'different' visual form. Motivation and rationale is incorporated by reference from the rejection of the parent claim(s).

12. As to claims 6 and 20, Stogel fails to teach but Schnarel teaches (4:50-60, 6:25-45, 11:50-60) using 'large unique portion of display' (e.g. call slip), whilst both of the above fail to teach highly visible fonts, and color. These are, however, well known in the art and Official Notice has been taken of this {see MPEP 2143.03(C) for requirements for requests for evidence and traversal}.

13. Claims 7 and 21 are rejected under 35 USC 103(a) as unpatentable over Stogel, Schnarel, and Forlenza (hereafter 'SSF') as applied to claims 8 and 22 above, and further in view of Becker et al (US 6,192,341 B1).

As to claims 7 and 21, whilst SSF do not expressly teach this limitation, Becker clearly discloses that Becker generates such audio information in 7:35-55, and 3:35-55, and the like. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify SSF in view of Becker, which teaches several methods of visual enhancement by doing so and that such is beneficial for at least visually impaired users (7:12-35), so such a combination would have been obvious to a PHOSITA at the time the invention was made for those reasons.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON M. RICHER whose telephone number is (571)272-7790. The examiner can normally be reached on weekdays from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMR
4/27/08

/Kee M Tung/
Supervisory Patent Examiner, Art Unit 2628